

ORDINANCE NO. 760

AN ORDINANCE RELATING TO ABANDONED VEHICLES; DECLARING A NUISANCE; PROVIDING FOR NOTICE AND REMOVAL AND IMPOUNDMENT BY THE CITY; PROVIDING PENALTIES; REPEALING ORDINANCE NO'S 410 and 475; AND DECLARING AN EMERGENCY

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1 Unlawful Vehicle Storage Designated-Time Limit-Violation Deemed Misdemeanor It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, either licensed or unlicensed, of any kind, for a period of time in excess of seventy-two (72) hours, which is in a rusted or wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any public or private property within the City, unless it is in connection with a business enterprise lawfully licensed by the City and properly operated in the appropriate business zone pursuant to the zoning laws of the City.

Section 2 Nuisance Declared-Removal or Enclosure Required The accumulation and storage of one or more of such vehicles, as defined in Section 1, on public or private property shall constitute rubbish and unsightly debris and a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City; and it shall be the duty of the registered owner of any such vehicle or vehicles, and it shall also be the duty of the owner of the private property or the lessee or other person in possession of the private property upon which such vehicle is located, to remove the same from the City or to have the same housed in an enclosure where it will not be visible from a street or adjacent property.

Section 3 Notice to Remove or Enclose-Service-Time Limit for Compliance. It shall be the duty of the Chief of Police to give written notice to the registered owner of any motor vehicle or motor vehicle trailer which is in violation of the ordinance, as described in Section 1, and to further give such notice to the owner or lessee of the private land upon which such motor vehicle or motor vehicle trailer is situated, giving notice that such vehicle violates the ordinance codified in this section, and demanding that such motor vehicle or motor vehicles be removed from the City within seventy-two (72) hours, or that within seventy-two (72) hours the same is to be housed within an enclosure where it will not be visible from a street or adjacent property. Such notice may be given by personal service or be registered mail with return receipt requested.

Section 4. Notice-Failure to Comply-Violation-Penalty. If the notice is given as provided in Section 3, and the person upon whom such notice demand is made fails to remove as required by the notice such vehicle or vehicles, as the case may be, or fails to cause the same to be placed in an enclosure where it will not be visible from the street, then such person shall be in violation of this ordinance and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00).

Section 5. Removal and Impoundment by City-Notice-Charges-Disposal by City. As an alternate procedure, the Chief of Police may, after giving the notice required by Section 3, and after waiting seventy-two (72) hours, cause the vehicle or vehicles to be removed by a City truck or by a commercial tow truck to a commercial garage or an automobile wrecking yard or any other suitable place for storage of the vehicles, as may be designated by the Chief of Police; and within forty-eight (48) hours after removal and storage of such vehicle by the Chief of Police, he shall give the notice in the manner prescribed in Section 3 to the registered owner of such vehicle and also to the owner, lessee or person in possession of land from which the vehicle was or vehicles were removed, that such vehicle or vehicles have been impounded and stored for violation of this ordinance, and notice vehicles shall be deemed to have been abandoned and will thereafter, be discarded as junk or may, at the discretion of the Chief of Police, be sold as an abandoned vehicle in the manner prescribed in this section after giving not less than thirty (30) days notice by a registered letter addressed to the registered owner of the vehicle at his latest address shown on the records in the office in the Motor Vehicles Division of the State of Oregon, with the owner given the right to reclaim such vehicle within such thirty (30) days by paying all the costs and expenses incurred in the removal, preservation and custody of the vehicle for a period not in excess of ninety (90) days; and if not so reclaimed, then to be sold, with the Chief of Police to execute a certificate of sale in duplicate, with a copy of the certificate of sale to be delivered to the purchaser and the original to be retained by the Chief of Police; and the money so received from the sale thereof to be applied first to the payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle and the remainder to be retained by the City of Canby and deposited in the General Fund.

Section 6: Impounded Vehicle-Payment of Charges Prerequisite to Release. If any vehicle is impounded or stored by the Chief of Police under the provisions of this ordinance or any other ordinance of this City, or pursuant to any other lawful authority of the police department, such vehicle or vehicles or other personal property shall not be released by the appointed keeper thereof until all charges connected with the removal, towing, and storage of such vehicles, vehicles or personal

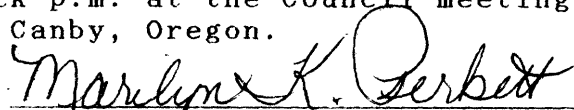
property have been fully paid as evidenced by the City Recorder's paid receipt.

Section 7: Repair or Dismantling Vehicles Prohibited When--
Emergency Service Time Limit-Violation and Penalty. It is unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles or motor vehicle trailers of any kind in or upon any street, road, alley or public thoroughfare in the City or upon private property where visible from a street or the property of adjoining owners, except for emergency service; provided, that such emergency service shall not extend over a period of seventy-two (72) hours, except when required to be made in a street, road, alley or other public thoroughfare; in which case, an emergency service shall not extend over a period of two (2) hours, and does not interfere with or impede the flow of traffic. The violation of this section shall also constitute a public nuisance and violation, which shall be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.00).

Section 8: Repeal of Conflicting Ordinances. Ordinance No.'s 410 and 475, enacted by the Canby City Council on March 3, 1958, and January 4, 1965, respectively, and any amendments thereto, are hereby repealed.

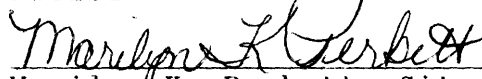
Section 9: Emergency Declared. In view of the necessity to prescribe regulations concerning the abandonment of motor vehicles, to promote the safety, health and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

Submitted to the Canby City Council and read the first time at a regular meeting thereon on Wednesday, December 19, 1984; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof to be held on Wednesday, January 2, 1985, after the hour of 7:30 o'clock p.m. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.


Marilyn K. Perbett, City Recorder

Enacted by the Canby City Council at a regular meeting thereof on the 2nd day of January, 1985, by the following vote:
YEAS 6 NAYS 0

ATTEST:


Marilyn K. Perbett, City Recorder
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William F. Pulver, Mayor